

**FILED UNDER SEAL PURSUANT TO  
PROTECTIVE ORDER**

**Exhibit H**

to the Declaration of Dat Nguyen in Support of  
KAIFI's Motion for Leave to Amend  
Infringement Contentions

**From:** Chris Bunt <[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)>

**Sent:** Thursday, December 31, 2020 10:52 AM

**To:** Curtis, Nathan R. <[NCurtis@gibsondunn.com](mailto:NCurtis@gibsondunn.com)>; Enoch Liang <[Enoch.Liang@ltlattorneys.com](mailto:Enoch.Liang@ltlattorneys.com)>; Michael Song <[michael.song@ltlattorneys.com](mailto:michael.song@ltlattorneys.com)>; Charley Ainsworth <[charley@pbatyler.com](mailto:charley@pbatyler.com)>; Jason Sheasby <[jsheasby@irell.com](mailto:jsheasby@irell.com)>

**Cc:** [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com); \*\*\* TMUS-Kaifi\_C <[TMUS-Kaifi\\_C@gibsondunn.com](mailto:TMUS-Kaifi_C@gibsondunn.com)>; Deana Attaway <[dattaway@pbatyler.com](mailto:dattaway@pbatyler.com)>

**Subject:** RE: KAIFI v. T-Mobile - Correspondence

[External Email]

Nathan,

We write in response to your December 22, 2020 letter.

KAIFI intends to supplement its initial disclosures next week with additional information regarding persons or entities with knowledge of relevant facts.

[REDACTED]

We note once again that T Mobile apparently believes that it has information regarding how its system operates with what it describes as “OTT” applications but is refusing to provide us with this information. As to what T Mobile identifies as its “OTT” applications, based on public information the PDN GW is the router required by the claims and performs the functions required by the claims for a router. The fact that the PDN GW or its equivalent may interact with other elements depending on the application, such as the policies implemented on T-Mobile UEs does not change this fact. PDN GW or its equivalent is still a router in instances in which packets do not pass through the EPC when carried on a Wi Fi network. We note that Figure 2.16 is only one of the figures in the infringement contentions and is not intended to be limiting in its description. We are willing to amend the infringement contentions to provide the additional information above. But at this point it seems that T Mobile is withholding information from us, not that KAIFI is withholding information from T Mobile. Does T Mobile claim that it does not use a PDN GW when receiving packets from OTT applications? Does T Mobile claim that the PDN GW does not cease providing packets for “OTT” applications over the RAN when the UE transitions from LTE to WiFi? Does T Mobile claim that the PDN GW does not once gain providing packets over the RAN for OTT application when the UE transitions from WiFi to LTE? Is it T Mobile’s contention that a device is not a router as claimed in the patent unless it passes packets that are carried across WiFi through the EPC?

As to WiFi switching on T Mobile’s other proprietary applications beyond WiFi calling, you respond that these services have nothing to do with switching between an LTE network and a

Wi-Fi network.” Is T Mobile representing that these applications do not use seamless WiFi switching? Please provide a more detailed explanation of this point.

As to the specific claim elements addressed in your letter, KAIFI has already agreed to supplement within 30 days of receipt of the source code. Please explain why this is insufficient?

Moreover, please explain exactly why the information you are seeking is preventing T Mobile from advancing this case. For example, recites Claim 12 “storing the indoor location” and “storing the outdoor location.” In the infringement contentions in the infringement contentions, KAIFI has identified the PDN address, subscribed QoS profile, APN, GPS information, CID, TDOA, BCE, flow binding information, and IP flow information as “location information.” The location register is the location at which this information is stored. The information can be stored in the HHS, AAA, and/or the GMLC or its equivalent depending on the how T Mobile implements its design in source code. Each of the identified pieces of location information independently and on their own satisfy the claims. And the location in which each of these pieces of information is stored is separately a location register. What is unclear about this?

We request a lead-to-lead meet and confer on the following issues:

[REDACTED]

4. When will T-Mobile provide us with the technical information in its possession, custody or control that describes how its “OTT” system allegedly operates?

5. The failure to disclose the technical documents in T-Mobile’s possession regarding the operation of its WiFi switching system, including what it is alleging is its different “OTT” structure.

7. Whether T Mobile is producing the required source code on the schedule set out in the DCO. If not, why?

We are available for a meet and confer Thursday (1/7) between 11 am and 1 pm ET. Please circulate a call in number. I hope you have a happy new year.

CB

**From:** Curtis, Nathan R. <[NCurtis@gibsondunn.com](mailto:NCurtis@gibsondunn.com)>

**Sent:** Thursday, December 31, 2020 9:43 AM

**To:** Chris Bunt <[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)>; Enoch Liang <[Enoch.Liang@ltlattorneys.com](mailto:Enoch.Liang@ltlattorneys.com)>; Michael Song <[michael.song@ltlattorneys.com](mailto:michael.song@ltlattorneys.com)>; Chris Bunt <[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)>; Charley Ainsworth <[charley@pbatyler.com](mailto:charley@pbatyler.com)>; Jason Sheasby <[jsheasby@irell.com](mailto:jsheasby@irell.com)>

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Counsel,

We have not received a response to our letter asking for confirmation that KAIFI will withdraw its infringement allegations against OTT and other non-Wi-Fi Calling services, and supplement its infringement contentions with respect to its allegations against Wi-Fi Calling. Please let us know if you are available to meet and confer with lead and local counsel on Monday (12/4) between 9 am and 11 am ET or Thursday (1/7) between 9 am and 1 pm ET.

Best,  
Nathan

**Nathan R. Curtis**

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**From:** Curtis, Nathan R.

**Sent:** Friday, December 18, 2020 1:33 PM

**To:** Chris Bunt <[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)>; Enoch Liang <[Enoch.Liang@ltlattorneys.com](mailto:Enoch.Liang@ltlattorneys.com)>; Michael Song <[michael.song@ltlattorneys.com](mailto:michael.song@ltlattorneys.com)>; Robert Bunt <[rcbunt@pbatyler.com](mailto:rcbunt@pbatyler.com)>; Charley Ainsworth <[charley@pbatyler.com](mailto:charley@pbatyler.com)>; Jason Sheasby <[jsheasby@irell.com](mailto:jsheasby@irell.com)>

**Cc:** [melissa@gillamsmithlaw.com](mailto:melissa@gillamsmithlaw.com); \*\*\* TMUS-Kaifi\_C <[TMUS-Kaifi\\_C@gibsondunn.com](mailto:TMUS-Kaifi_C@gibsondunn.com)>

**Subject:** KAIFI v. T-Mobile - Correspondence

Counsel,

Please see the attached correspondence.

Best,  
Nathan

**Nathan R. Curtis**

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